

Summary of HJR 46 Work Group Session Aug. 30, 2007

Legislative Audit

The group discussed the following topics related to the recent legislative audit of the implementation of the Help America Vote Act (HAVA) requirements and other election-related issues:

- How precinct counters are used. Vickie Zeier discussed the way the machines notify voters that their ballots may contain overvotes or be blank; the machine beeps and provides a message on a screen, giving the voter the opportunity to correct the ballot. Poll workers are to provide uniform information if asked about the situation, based on guidelines provided by the secretary of state's office.

There was discussion of whether precinct counters could be used on absentee ballots when they're turned in, or whether that would be equivalent to counting votes ahead of time.

- Certification issues. Sara Busey mentioned that the California Secretary of State's office has decertified certain AutoMARK machines. She raised the question of whether requiring vendors to provide source code would ensure that the machines are accurate. Janice Doggett discussed possible legal concerns and the option of having the source code held in escrow and only accessed if an issue arises.
- Security of the server housing voter registration data. Because the equipment used at the county level is state-owned, issues sometimes arise as to which entity is responsible for maintaining the equipment. MACO has tried to work with counties on this issue. The work group agreed that the matter involves funding and resources at both the state and local levels and should be included in material presented to the State Administration and Veterans' Affairs Interim Committee on election-related funding issues.
- Funding Issues. Jeanne Souvigney asked whether the group will make recommendations on funding. Sue said group members could decide whether they wanted to extend their efforts into that area.

Mail Ballot Elections

Participants reviewed the draft briefing paper on mail ballot elections and raised additional issues for research and further consideration, including:

- Level of participation among minorities, the low-income, and people who tend to move frequently, live in multi-unit housing such as dorms or nursing homes, or who do not have mailing addresses.
- Issues that may be involved with mail delivery of ballots.
- Trends in turnout in Oregon, looking at the entire voting age population, rather than just the registered voters.
- Accessibility issues.

Elections being held by mail in Missoula, Bozeman and Helena this fall will also provide further data on the return rate by the Post Office, voter turnout, accessibility concerns, and other issues that will help inform the interim committee process.

A number of people said it would be helpful to try mail balloting for all elections on a limited basis, such as through a pilot project or giving counties the option of holding elections – including federal elections – by mail. However, they noted that concerns had been raised during the 2007 legislative session that allowing different systems of voting may present constitutional problems.

The group agreed the following information was still needed before it could consider making a recommendation on expanding or requiring the use of mail ballots:

- Additional information on Oregon voting patterns
- Historical data on Montana absentee voting
- Equal protection considerations if mail ballots are allowed as a county option or pilot project
- More information on U.S. Postal Services practices and data on mail ballots
- How other states using mail-in ballots handle accessibility issues
- Statistics on school districts using mail ballot elections
- How Washington state political parties view/respond to the use of concurrent, different voting processes

Review of Title 13, Chapter 19

Participants went through each section of Chapter 19 to discuss changes that could make the existing law work better, particularly in concert with laws governing absentee voting and provisional voting. They also discussed some changes that might be necessary if all elections were held by mail.

Some key issues involved:

- Clearly stating that a ballot has been voted at the time it is submitted.
- Setting a minimum number of “places of deposit” and requiring at least one of them to be accessible and to have an AutoMARK machine.
- Defining who may be a designee for returning ballots and determining whether a limit should be set on the number of ballots they may return.

Participants

Beth Brenneman, Montana Advocacy Project
Jeanne-Marie Souvigney, Montana Conservation Voters
Deb Mart, Cascade County Clerk and Recorder's Office
Vickie Zeier, Missoula County Clerk and Recorder
Alan Miller, Secretary of State's Office
Lynda Brannon, Montana Association of School Business Officials
Bob Vogel, Montana School Boards Association
Joe Lamson, Office of Public Instruction
Janice Doggett, Secretary of State's Office
Duane Winslow, Secretary of State's Office/Yellowstone County
Sara Busey, League of Women Voters
Alysha Goheen Janotta, Montana Women Vote
Sheryl Wood, Montana Association of Counties
Sue O'Connell, Legislative Services Division